

Criminal Revision No. 20 of 2001

Hon. P.C. Verma, J.

This Criminal revision has been filed by the revisionist challenging the order 1.2.2001 passed by the Executing Magistrate Nainital in Crl. Case No. 11/28 of 1997 State vs. Ramesh Sharma as first party and Jodha Ram as second party. The case was initiated under section 145 Cr.P.C. and the Magistrate passed order on 16.9.2000 against which the revision was filed and the revisional Court directed the Executing Magistrate to appoint receiver and receiver was appointed who was taken over the possession of the property in dispute and had sown the crop. The learned counsel for the revisionist moved an application before the Executing Magistrate to direct the receiver to deposit Rs. 1,40,000/- in the court of Executing Magistrate. The Executing Magistrate rejected this application on the ground that the revisional Court had only directed to appoint receiver and the receiver has been appointed. Therefore, the application of the revisionist for direction to deposit Rs. 1,40,000/- can only be moved before the revisional Court and has rejected the said application on the said ground.

Against this order, the present revision has been filed I do not find any illegality in the order of the Magistrate. The Magistrate has rightly held that the application ought to have moved before the revisional Court under where direction receiver was appointed. Therefore, this revision is

dismissed. However, it is open for the revisionist to move an application before the revisional Court, if he is so advised.

(P.C. Verma, J.)

Dt.8-3-2001